UNITED
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Security Council

Distr.
GENERAL

S/1996/555
16 July 1996
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 2 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF HONDURAS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you, in reply to your note verbale of 15 May 1996 concerning the implementation of Security Council resolution 1054 (1996), adopted at its 3660th meeting on 26 April 1996, that the Republic of Honduras has neither a diplomatic mission nor a consular post in the Sudan, nor does the Sudan have such representation in the Republic of Honduras. Moreover, at this time the entry into Honduran territory of members or representatives of the Government of the Sudan or members of the Sudanese armed forces is not at all anticipated.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Gerardo MARTÍNEZ BLANCO
Ambassador
Permanent Representative

96-17694 (E) 170796 170796 180796

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1996/556
16 July 1996
ENGLISH
ORIGINAL: ENGLISH AND FRENCH

LETTER DATED 11 JULY 1996 FROM THE PRESIDENT OF THE INTERNATIONAL TRIBUNAL FOR THE PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991 ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to report to the Security Council that a Trial Chamber of the Tribunal, presided over by Judge Jorda and composed of Judges Odio-Benito and Riad, has today delivered a decision under rule 61 of the Tribunal's Rules of Procedure and Evidence in the case of Radovan Karadžić and Ratko Mladić, a copy of part of which is enclosed herewith. The Chamber found that there are reasonable grounds for believing that Karadžić and Mladić are individually responsible for planning, instigating or ordering the commission of genocide, crimes against humanity and war crimes.

Consequently, the Trial Chamber has issued international arrest warrants against the two accused. These warrants will be transmitted to all States, Interpol and the Implementation Force (IFOR).

Furthermore, in accordance with that decision, and pursuant to the aforementioned rule 61, I have been requested to notify you that the failure to execute the initial arrest warrants, issued on 25 July and 16 November 1995 against Radovan Karadžić and Ratko Mladić, was wholly due to the refusal of the Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the Tribunal in accordance with article 29 of the Statute (see attached relevant part of the decision).

The Chamber certified the Republika Srpska's refusal to cooperate on the grounds that Karadžić and Mladić reside in the territory of the Republika Srpska and indeed occupy, or have occupied, official positions of authority in that entity. Although the aforementioned arrest warrants have been transmitted to the Republika Srpska, they have not been executed to this day.

The Chamber also certified the refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate on the grounds that on a number of occasions Karadžić and Mladić have been in its territory and have not been arrested, although the initial arrest warrants have been transmitted to it for execution. In this connection, the Trial Chamber has recalled that on four

occasions I have written to President Slobodan Milosević to complain of this refusal to cooperate, and on one occasion I wrote to the Security Council to bring the matter to its attention (see my letter of 22 May 1996 (S/1996/364)).

The refusal of the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate has also been certified on the grounds that, under the Dayton Accord, it has undertaken responsibility for the Republika Srpska's cooperation or non-cooperation with the Tribunal as well as its own.

As President of the International Tribunal for the former Yugoslavia, I am therefore duty-bound to bring to the attention of the Security Council the refusal of the Republika Srpska and the Federal Republic of Yugoslavia (Serbia and Montenegro) to cooperate with the Tribunal, so that the Council can decide upon the appropriate response.

(Signed) Antonio CASSESE
President

Annex

UNITED NATIONS

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991

Case No. IT-95-5-R61
IT-95-18-R61

Date: 11 July 1996

Original: English
French

IN THE TRIAL CHAMBER

Before: Judge Jorda, Presiding
Judge Odio Benito
Judge Riad

Registrar: Mr Dominique Marro , Deputy Registrar

Decision of: 11 July 1996

PROSECUTOR

v.

RADOVAN KARADŽIĆ
RATKO MLADIĆ

REVIEW OF INDICTMENT PURSUANT TO RULE 61 OF THE RULES OF PROCEDURE AND EVIDENCE

The Office of the Prosecutor:
Mr Eric Ostberg
Mr Mark Harmon
Mr Terree Bowers

VI. DETERMINING THAT REPUBLIKA SRPSKA AND THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO) HAVE FAILED TO COOPERATE WITH THE TRIBUNAL.

96. After initially confirming the indictments submitted to the Trial Chamber, Judge Claude Jorda, on 25 July 1995, and Judge Fouad Riad, on 16 November 1995, issued warrants of arrest for Radovan KARADŽIĆ and Ratko MLADIĆ; they were sent, in particular, to the Bosnian Serb administration and to the Federal Republic of Yugoslavia (Serbia and Montenegro). The indictments were transmitted to the competent authorities by the Registrar of the Tribunal; the first on 1 August 1995, the second on 21 November (to the Federal Republic of Yugoslavia) and on 22 November 1995 (to the Bosnian Serb administration). Further, at the Prosecutor's request, the Registrar asked Republika Srpska on 10 May 1996 and the Federal Republic of Yugoslavia on 13 May 1996 to arrange the publication of the indictments in their newspapers having wide circulation pursuant to Rule 60

97. To date, personal service of the indictments has not been effected on Radovan KARADŽIĆ and Ratko MLADIĆ, and the arrest warrants have not been executed.

98. On the basis of all the Tribunal's rules and regulations, and in particular Article 29 of the Statute and Rule 2(A) ("State") of the Rules of Procedure and Evidence, the Bosnian Serb administration (officially entitled "Republika Srpska" following the Peace Agreement signed on 14 December 1995 - the Dayton Accord) is bound to cooperate with the Tribunal. Despite the presence of Radovan KARADŽIĆ and Ratko MLADIĆ on the territory under its control, Republika Srpska has neither served the two indictments on the accused nor executed the warrants for their arrest.

99. The Trial Chamber believes that Radovan KARADZIĆ and Ratko MLADIĆ were in the Federal Republic of Yugoslavia on several occasions. The Prosecutor produced four letters sent by Judge Antonio Cassese, President of the International Tribunal, to Mr. Slobodan

Milošević, President of the Republic of Serbia.[231] In those letters, on the several occasions when the accused were on the territory of the Federal Republic of Yugoslavia, President Antonio Cassese requested the assistance of the Yugoslav authorities in order to execute the warrants of arrest issued by the Tribunal. The letters related in particular to:

- Ratko MLADIĆ's stay in Belgrade for medical attention during the second half of September 1995 (letter of 18 September 1995);
- Radovan KARADŽIĆ's presence at Belgrade on 23 September 1995 (letter of 27 September 1995);
- Radovan KARADŽIĆ's trip to Belgrade for official talks with President Milošević on 24 October 1995 (letter of 23 October 1995);
- Ratko MLADIĆ's stay in Belgrade for medical attention at the end of November 1995 (letter of 29 November 1995).

The Federal Republic of Yugoslavia has never provided the requested assistance as required according to the terms of Article 29 of the Statute. In addition, the Prosecutor has noted the presence of the accused in Belgrade on several other occasions, particularly, during high level meetings on 3 August 1995, 29 August 1995, and 7 February 1996. Furthermore, on 22 May 1996, President Cassese sent a letter to the President of the United Nations Security Council in which he indicated that, despite the presence of Ratko MLADIĆ in Belgrade on 21 May 1996 for the funeral of General Đorđe Đukić, the authorities of the Federal Republic of Yugoslavia did not execute the warrants of arrest[232].

100. In addition, the Trial Chamber notes that during the negotiations in Dayton, the Federal Republic of Yugoslavia committed itself to take all the necessary steps to ensure that Republika Srpska fully respects and complies with the obligations specified in annexes 1-A and 2 of the peace agreement signed on 14 December 1995[233]. Pursuant to Article 10 of annex 1-A, Republika Srpska, *inter alia*, has undertaken the obligation to "cooperate fully with all entities involved in the implementation of this peace settlement, (...) including the International

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[231] Exhibits 76-80.

[232] Exhibit 80.

[233] "On behalf of the Federal Republic of Yugoslavia, I wish to assure you that the Federal Republic of Yugoslavia shall take all the necessary steps, consistent with the sovereignty, territorial integrity and political independence of Bosnia and Herzegovina to ensure that the Republika Srpska fully respects and complies with the provisions of the aforementioned annexes (annex 1-A and 2)" (Letters of 21 November 1995, signed by Milan Milutinović, Minister of Foreign Affairs of the FRY, addressed to the Ministers of Foreign Affairs of the Contact Group: Klaus Kinkel, German Minister of Foreign Affairs; Hervé de Charette, French Minister of Foreign Affairs; Andre Kozyrev, Russian Minister of Foreign Affairs; Malcolm Rifkind, British Minister of Foreign Affairs; Warren Christopher, US Secretary of State).

Tribunal for the former Yugoslavia."[234] Therefore, the Federal Republic of Yugoslavia has given an undertaking to ensure that Republika Srpska would cooperate fully with the International Tribunal. That undertaking was given by the Federal Republic of Yugoslavia at the request of the delegation of Republika Srpska at Dayton to guarantee the international obligations of Republika Srpska.[235] As the Trial Chamber has noted above, Republika Srpska has not honoured its obligations to the Tribunal which also implies the failure of the Federal Republic of Yugoslavia.

101. In light of all the above, the Trial Chamber considers that the failure to effect personal service of the indictments and to execute the warrants of arrest issued against Radovan KARADŽIĆ and Ratko MLADIĆ may be ascribed to the refusal of Republika Srpska and to the Federal Republic of Yugoslavia to cooperate with the Tribunal. Accordingly, the Trial Chamber so certifies for the purposes of notifying the Security Council.

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[234] "The Parties shall cooperate fully with all entities involved in the implementation of the Peace settlement, as described in the General Framework Agreement, or which are otherwise authorised by the United Nations Security Council, including the Internation Tribunal for the Former Yugoslavia" (Annex 1-A, Peace Agreement signed on 14 December 1995).

[235] "President Slobodan Milošević, Head of the Delegation of FR of Yugoslavia
Dear Mr. President,

We write to you regarding the Peace Agreement and the documents which are to be initialled at the conclusion of the peace negotiations in Ohio. Since it is requested, in a number of documents prepared for adoption, that the FR. of Yugoslavia be the guarantor of the obligations taken by the RS in the peace process, we kindly ask you to assume, on behalf of the FRY, the role of the guarantor that the Republika Srpska shall fulfil all the obligations it took.

The Delegation of the Republika Srpska: Momčilo Krajišnik (signed), Nikola Koljević (signed), Aleksa Buha (signed). Dayton, 20 November 1995.

VII DISPOSITION

FOR THE FORE GOING REASONS,

PURSUANT to Rules 59 bis and 61 of the Rules of Procedure and Evidence,

CONSIDERING the decisions confirming the indictments issued by Judge Jorda and Judge Riad on 25 July and 16 November 1995,

CONSIDERING the warrants of arrest issued on 25 July and 16 November 1996,

CONSIDERING the decisions of 18 June 1996 in which Judge Jorda and Judge Riad ordered the Prosecutor to refer the case to the Trial Chamber,

HAVING HEARD the submissions of the Prosecutor, the presentation of the *amici curiae* and the statements of the witnesses during the hearings of 27 and 28 June and 1-5 and 8 July 1996 at the seat of this Tribunal,

THE TRIAL CHAMBER

RULING unanimously and in public,

ORDERS the joinder of cases IT-95-5-R61 and IT-95-18-R61;

INVITES the Prosecutor to supplement the indictments;

STATES that there are reasonable grounds for believing that Radovan KARADŽIĆ and Ratko MLADIĆ committed the offences with which they are charged in the indictments issued on 25 July and 16 November 1995;

CONFIRMS the sixteen counts of the indictment of 25 July 1995 and the twenty counts of the indictment of 16 November 1995;

ISSUES international warrants of arrest for Radovan KARADŽIĆ and Ratko MLADIĆ;

STATES that the warrants shall be transmitted to all States, and, if necessary, to the Implementation Force (IFOR);

NOTES that the failure to effect personal service of the indictment can be ascribed to the refusal to cooperate with the Tribunal by the Federal Republic of Yugoslavia (Serbia and Montenegro) and by the Bosnian Serb administration in Pale which has become Republika Srpska, and entrusts the responsibility of so informing the Security Council to the President of the Tribunal, pursuant to Rule 61(E).

Done in French and English, the French version being authoritative.

Claude Jorda
Presiding Judge of Trial Chamber I

Dated this eleventh day of July 1996
At The Hague
The Netherlands

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Security Council

Distr.
GENERAL

S/1996/557
16 July 1996

ORIGINAL: ENGLISH

LETTER DATED 15 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED REPUBLIC OF TANZANIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you the communiqué of the Arusha Regional Summit held in the United Republic of Tanzania on 25 June 1996 on the situation in Burundi (see annex).

I would be grateful if you could have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Daudi N. MWAKAWAGO
Permanent Representative

96-17700 (E) 160796 170796

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Annex

Press communiqué of the Arusha Regional Summit on Burundi issued, at Arusha, United Republic of Tanzania, on 25 June 1996

1. At the invitation of President Benjamin Mkapa of the United Republic of Tanzania, Presidents Daniel arap Moi of Kenya, Yoweri Museveni of Uganda, Pasteur Bizimungu of Rwanda and Sylvestre Ntibantunganya of Burundi and the host, met at Arusha, United Republic of Tanzania, on Tuesday, 25 June 1996, to review the political and security situation in Burundi in particular, and in the Great Lakes Region in general. President Mobutu Sese Seko of Zaire was represented by Deputy Prime Minister and Minister of External Relations, Hon. J. M. Kititwa Tumansi.

2. Also participating in the Regional Summit were the Prime Minister of Ethiopia, Meles Zenawi, in his capacity as the current Chairman of the Organization of African Unity (OAU), the Prime Minister of Burundi, Antoine Nduwayo, and the OAU Secretary-General, Dr. Salim Ahmed Salim.

3. The Heads of State and Government profoundly regretted that notwithstanding efforts made at the regional, continental and international levels, the situation in Burundi has continued to deteriorate.

4. The Heads of State and Government expressed their deep concern on the deteriorating situation in Burundi, which continues to be characterized by violence and killings causing increasing numbers of internally displaced persons and fleeing refugees into neighbouring countries.

5. The Summit reiterated the responsibility of the leadership in Burundi to restore peace and harmony to the Burundi people and urged the leadership in Burundi to play that role.

6. The Heads of State and Government reaffirmed their commitment to a negotiated peace and resolution in Burundi. In this context the Heads of State and Government affirmed that the national debate should involve all parties and groups.

7. The Summit stressed that a durable settlement must be based on democracy and security for all.

8. In order to move forward the process of negotiations there must be security in the country. In this regard the Summit urged all sides in the conflict to end the violence immediately.

9. With a view to promoting security, the Government of Burundi has requested the countries of the region to provide security assistance. This security assistance is aimed, inter alia, at guaranteeing security for all the people of Burundi.

10. The Heads of State and Government in response to this request by the Government of Burundi have agreed to set up a Technical Committee to be headed by the United Republic of Tanzania to look into the modalities of extending such assistance.

11. The Summit expressed its profound appreciation to Mwalimu Nyerere for his efforts and urged him to continue with those efforts, which enjoy universal support, in the interest of lasting peace and stability.

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GENERAL

S/1996/558
16 July 1996
ENGLISH
ORIGINAL: RUSSIAN

LETTER DATED 16 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit herewith the text of a statement by the Government of the Republic of Tajikistan, issued on 16 July 1996.

I should be grateful if you would have the text of this letter circulated as a document of the Security Council.

(Signed) Rashid ALIMOV
Ambassador
Permanent Representative

96-17706 (E) 160796 160796 170796

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Annex

[Original: Russian]

Statement by the Government of the Republic of Tajikistan

The Government of the Republic of Tajikistan attaches great importance to the inter-Tajik talks being held in Ashkhabad under United Nations auspices and expresses its conviction that these talks will be as successful as anticipated.

Noting that the armed resistance in the Pamir region has been weakening, and convinced that it is useless to rely on a settlement of the conflict by force, it reaffirms its willingness to take constructive steps in accordance with the spirit of the Ashkhabad talks.

At the same time, the Government is seriously concerned at the military preparations being undertaken by the armed wing of the opposition with a view to reinforcing the small groups operating within the country.

According to reliable sources, fresh Tajik opposition troops in the territory of the Islamic State of Afghanistan have recently been transferred from the interior of that country towards the frontier regions near the Republic of Tajikistan. Particularly intense troop movements are reported in the direction of Badakhshan. In this regard, the fact that regular units of the Ministry of Defence of the Islamic State of Afghanistan, obeying government authorities, including units from the twenty-ninth infantry division and from military transport aviation, are directly implicated in these troop movements gives rise to particular concern.

The Government of the Republic of Tajikistan views the participation of units from the Ministry of Defence of that country in the deployment of reinforcements along the Tajik-Afghan border as an expression of hostility and an act which runs counter to agreements concluded between the two countries, to good relations between neighbouring States and to the precepts of international law.

The Government wishes to express its perplexity with regard to the position taken by the authorities of the Islamic State of Afghanistan in this increasingly tense situation on the border between the two countries, holding it to be incompatible with the observer status granted to the Islamic State of Afghanistan in the inter-Tajik talks.

In the present circumstances, the Government of the Republic of Tajikistan has no option but to close from this day forward all border points used for the purposes of trade with the Islamic State of Afghanistan and to review its relations with countries which, to differing degrees, offer armed opposition groups assistance, training and financial support. It reserves the right to take preventative measures, including the application of pressure using all the forces and means at its disposal, to oppose any escalation of the violence and to safeguard its own security.

Reaffirming its commitment to the utilization of peaceful means for the settlement of disputes with the opposition, the Government of the Republic of Tajikistan expressed the hope that the opposition will allow its actions to be guided by reason, in the interests of preserving the Tajik State and allowing peace and stability to reign on Tajik territory.

Dushanbe, 16 July 1996

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Distr.
GENERAL

S/1996/559
16 July 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 16 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that at 2000 hours on 6 July 1996 a Kuwaiti patrol boat intercepted the Iraqi fishing boat Al-Sadiq while it was fishing in our territorial waters at coordinates 6697. On board the Kuwaiti boat were three men armed with GC rifles and carrying wireless equipment. They took the fishing boat and its crew of 12 to the Kuwaiti side where, in the vicinity of Faylakah Island, the fishermen were tortured and suffered grievous bodily harm from the severe beating they received. After they were questioned, they and the boat were released at 1000 hours on 7 July.

I request your intervention with Kuwait with a view to bringing a halt to the provocative and unwarranted acts that are being committed inside Iraqi territorial waters in violation of the Charter of the United Nations and international law and that are creating a climate of tension in the area. I also affirm the right of the Republic of Iraq to seek compensation for the damage that has been done to its citizens and their property by this act of aggression.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-17712 (E) 170796 170796 180796

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Security Council

Distr.
GENERAL

S/1996/560
17 July 1996
ENGLISH
ORIGINAL: RUSSIAN

NOTE VERBALE DATED 15 JULY 1996 FROM THE PERMANENT MISSION OF TAJIKISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Tajikistan to the United Nations presents its compliments to the Secretary-General and, with reference to his note of 15 May 1996 concerning the implementation of Security Council resolution 1054 (1996) of 26 April 1996, has the honour to state the following.

The Government of Tajikistan has instructed all its diplomatic missions and consulates abroad to restrict the issuing of visas for entry into or transit through Tajikistan to members of the Sudanese Government, Sudanese government officials and members of the Sudanese armed forces.

The Permanent Mission of Tajikistan to the United Nations takes this opportunity to convey to the Secretary-General the renewed assurances of its highest consideration.

96-17777 (E) 170796 170796 180796

UNITED
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Security Council

Distr.
GENERAL

S/1996/561
17 July 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 JULY 1996 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 July 1996 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the claims made and excuses offered in the letter dated 21 June 1996 addressed to you by the Minister for Foreign Affairs of the Republic of Turkey (S/1996/479, annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

96-17783 (E) 170796 170796 180796

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Annex

Letter dated 13 July 1996 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

I am apprised of the letter dated 21 June 1996 from the Minister for Foreign Affairs of Turkey addressed to you (S/1996/479, annex) in response to my letter of 28 May 1996 concerning the incursions into the territory and airspace of the Republic of Iraq being carried out by Turkish armed forces (S/1996/401, annex).

The claims on which the Turkish Government has sought to rely in order to justify its violations of Iraqi sovereignty have no basis either in law or in the actual state of affairs. It has tried to find justification for these violations in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV) of 24 October 1970. It has chosen to overlook the fact that its launching of armed raids against Iraq violates the Declaration in its entirety. The Declaration proclaims "The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations" and that "States have a duty to refrain from acts of reprisal involving the use of force."

Turkey's claims constitute a gross violation of international humanitarian law, since they are known to have resulted in the killing of innocent Iraqi citizens and the destruction of private and public property. According to information that has recently reached the competent Iraqi authorities, Turkish armed forces killed 11 Iraqi Kurdish citizens in the area of Sardat Shakk on 10 June 1996 and then burned the corpses in an attempt to remove all trace of their crime. There can be no doubt that the gross violations of international law perpetrated by Turkish forces clearly reflect the infamous concept of State terrorism.

The excuses offered in the letter from the Minister for Foreign Affairs of Turkey bear no relation whatever to the reality on the ground. Indeed, the Turkish Government bears a significant part of the responsibility for the absence of any legitimate authority in northern Iraq through its cooperation and coordinated action with Iraqi Kurdish rebels and outlaws and the support it provides them. Such actions are in violation of the Charter of the United Nations and of the Declaration of Principles referred to above, which stipulates that "Every State has the duty to refrain from organizing, instigating or participating in acts of civil strife or terrorist acts in another State". Turkey also agrees to the deployment of United States and British strike forces in its territory for the purpose of intervening militarily in northern Iraq and preventing the Iraqi Government from exercising its national sovereignty there. Consequently, the Turkish Government cannot invoke the principle of necessity or the legitimate right to self-defence in reference to an anomalous situation that it has itself actively and directly participated in creating.

The Government of the Republic of Iraq once more categorically rejects the excuses offered by the Turkish Government and condemns the Turkish incursions as constituting a flagrant and serious violation of the sovereignty, security and territorial integrity of the Republic of Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

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Security Council

Distr.
GENERAL

S/1996/562
17 July 1996

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF ITALY ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 16 July 1996 from the Chargé d'affaires a.i., of the Permanent Mission of Italy to the United Nations, stating that Mr. Claudio Bisogniero has been appointed alternate representative of Italy on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

96-17892 (E) 170796 180796

UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/51/216
S/1996/563
18 July 1996
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Fifty-first session
Items 30, 33, 35 53, 67 and 154
of the preliminary list*
COOPERATION BETWEEN THE UNITED NATIONS AND THE LEAGUE OF ARAB STATES
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE
CONSEQUENCES OF THE IRAQI OCCUPATION OF AND AGGRESSION AGAINST KUWAIT
ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE IN THE REGION OF THE MIDDLE EAST
MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

SECURITY COUNCIL
Fifty-first year

Letter dated 16 July 1996 from the Chargé d'affaires a.i. of the Permanent Mission of Oman to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the final communiqué issued by the Ministers for Foreign Affairs of the Damascus Declaration States at the conclusion of their thirteenth meeting, held at Muscat on 13 and 14 July 1996 under the chairmanship of Mr. Yousef Bin Alawi Bin Abdullah, Minister of State for Foreign Affairs of the Sultanate of Oman.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under items 30, 33, 35, 53, 67 and 154 of the preliminary list, and of the Security Council.

(Signed) Mohammed A. AL-SAMEEN
Chargé d'affaires a.i.

* A/51/50.

ANNEX

[Original: Arabic]

Final communiqué of the thirteenth meeting of the Ministers for Foreign Affairs of the Damascus Declaration States, issued at Muscat on 14 July 1996

At the invitation of the Sultanate of Oman, the Ministers for Foreign Affairs of the Damascus Declaration States held their thirteenth meeting at Muscat on 13 and 14 July 1996 under the chairmanship of His Excellency Mr. Yousef Bin Alawi Bin Abdullah, Minister of State for Foreign Affairs of the Sultanate of Oman. The following were in attendance:

His Excellency Sheikh Hamdan Bin Zayed Al Nahyan, Minister of State for Foreign Affairs of the United Arab Emirates;

His Excellency Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

His Excellency Mr. Farouk al-Shara', Minister for Foreign Affairs of the Syrian Arab Republic;

His Excellency Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of Qatar;

His Excellency Sheikh Sabah al-Ahmad al-Jaber al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait;

His Excellency Mr. Amre Moussa, Minister for Foreign Affairs of Egypt.

His Excellency Sheikh Jamil Bin Ibrahim al-Hegelan, Secretary-General of the Gulf Cooperation Council, also participated in the meeting.

The Minsters met while bearing in mind the role played by the Damascus Declaration States in promoting Arab solidarity, advancing the interests of the Arab nation and safeguarding joint Arab security and in response to the requirements of the upcoming stage, which will be of great importance and moment as it relates, in particular, to the peace process in the Middle East in the light of regional and international developments.

The Ministers affirmed their full commitment to upholding and acting in accordance with the substance of the final communiqué adopted by the Arab Summit Conference held in Cairo from 21 to 23 June 1996 and the firm positions of principle adopted by the consensus of the Arab leaders with a view to strengthening Arab solidarity and establishing a just peace in response to the hopes and aspirations of the Arab nation, so as to advance the interests and

restore the impugned rights of that nation and in order to monitor the formulation of effective Arab action for the next stage.

The Ministers stressed the firm positions of principle of their countries with respect to the requirements of the peace process and the need to adhere to the principles on which it has been based since the Madrid Conference. This requires: complete Israeli withdrawal from the Golan to the line of 4 June 1967; complete and unconditional Israeli withdrawal from southern Lebanon and the western Bekaa to the internationally recognized boundaries; the complete withdrawal of Israel from all occupied Palestinian territories, including Arab Jerusalem; and recognition of the legitimate national rights of the Palestinian people, including its right to exercise self-determination and establish an independent State on its own soil.

The Ministers commended the broad international consensus in support of the Arab position on the peace process, as embodied in the statements adopted by the Florence Summit of the European Union, the Lyon Summit of the group of seven industrialized countries and the Assembly of Heads of State and Government of the Organization of African Unity held in Cameroon, as well as in the statements adopted earlier by the Casablanca Islamic Summit Conference and the Cartagena Conference of Heads of State or Government of the Movement of Non-Aligned Countries. In this context, the Ministers affirmed that the continuation of the peace process and the resumption of negotiations require commitment to the principles and norms on which the peace process is based, particularly Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), the principle of land for peace and the assurances given to the parties.

The Ministers expressed deep concern at the statements made by the Israeli Prime Minister during his recent visit to the United States, particularly those relating to his insistence on perpetuating Israel's occupation of Arab territories and on retaining Jerusalem under Israeli sovereignty as the capital of Israel on the pretext of safeguarding Israel's security. This is an attempt to impose a fait accompli that undermines the viability of the negotiations and is a departure from the principle of land for peace and a violation of the enduring principle on which the peace process is based, namely the achievement of balanced and equal security for all the States of the region without discrimination or exception and not merely for Israel alone. The same is true of his statements calling for a resumption of peace negotiations without preconditions, which is a denial and evasion of commitment to the principles derived from the relevant United Nations resolutions on which the peace process is based. Likewise, his call for reciprocity, when measured against the positions he has taken rejecting the principles and foundations of the peacemaking process, is an invitation for the region to return to a climate of confrontation and tension. The Ministers expressed surprise and astonishment that the Israeli Prime Minister should speak of democracy and human rights while Israel is pursuing a policy of occupation and of violating rights that are guaranteed by the Geneva Conventions to Arab citizens languishing under Israeli occupation and while it is being evasive and dilatory in discharging the obligations that it took upon itself within the framework of the peace process. In this context, the Ministers reaffirmed the conclusion of the Arab Summit Conference to the effect that the insistence of the Israeli Government on such positions is likely to cause a collapse of the peace process bringing with it

such dangers and consequences as will once more plunge the region into a maelstrom of tension and force all the Arab States to reconsider the steps taken vis-à-vis Israel in the framework of that process. The Israeli Government alone would bear the entire responsibility for such a situation.

The Ministers further reaffirm their commitment to the United Nations resolutions requiring the non-recognition and non-acceptance of any situation resulting from Israeli settlement activities in the occupied territories, inasmuch as such activities create no rights and no obligations. They consider that the establishment of settlements and the introduction of settlers violate the Geneva Conventions and the Madrid framework and represent an impediment to the peace process.

Recalling the assurances recently given by the United States of America, as one of the co-sponsors of the peace process, that that process must be based on the foundations established at the time it began at the Madrid Conference and on the principle of land for peace, that the Israeli Government must comply with all the undertakings given and all the obligations assumed, and that security cannot be attained without the achievement of peace, the Ministers call upon the co-sponsors of the peace process, the United States of America and the Russian Federation, on the European Union, China, Japan, the States members of the Movement of Non-Aligned Countries and other concerned States and on the United Nations and other international institutions to give practical effect to these assurances and to ensure that Israel does not violate the principles on which the peace process is based, supported as they are by United Nations resolutions, including Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), or the principle of land for peace, or the assurances provided to the parties, and that it fulfils all the commitments made in the framework of the peace process.

The Ministers reaffirmed the support of their countries for Syria's legitimate desiderata for the achievement of a just and comprehensive peace in the Middle East based on international legitimacy. They further expressed their support for Syria in overcoming the obstacles to the peace process being raised by Israel and in addressing the calumnies with which it is charging Syria for the purpose of halting the peace process.

The Ministers stressed that Israel must accede to the Treaty on the Non-Proliferation of Nuclear Weapons and place all of its nuclear facilities under the international inspection regime of the International Atomic Energy Agency as a fundamental step towards transforming the Middle East region, including the Gulf area, into a zone free of weapons of mass destruction, foremost among which are nuclear weapons.

The Ministers urged Iraq to commit itself to the full implementation of the Security Council resolutions relating to its aggression against Kuwait and called upon it to take the appropriate measures to release all Kuwaiti and third-country prisoners and detainees, to return the property seized, to abide by the compensation mechanism, to cooperate fully with the efforts of the United Nations Special Commission entrusted with the task of eliminating its weapons of mass destruction, and to comply with Security Council resolution 949 (1994) by refraining from any provocative or hostile action that threatens the State of Kuwait and the countries of the region. The Ministers welcomed the memorandum

of understanding signed on 20 May 1996 by Iraq and the United Nations for the implementation of Security Council resolution 986 (1995), which permits the sale of two billion dollars' worth of Iraqi oil, as a positive step towards mitigating the suffering of the Iraqi people for which the Iraqi Government bears full responsibility. They call for dispatch in giving effect to the memorandum of understanding. The Ministers renewed their full commitment to Iraq's unity and expressed their opposition to any policies or measures aimed at undermining its territorial integrity.

The Ministers reviewed new developments in connection with their countries' relations with the Islamic Republic of Iran from the point of view of their desire for such relations to be sound and positive. They stressed the great importance of security and stability in the Gulf region for the entire world and, in particular, for the countries and peoples of the region itself, including Iran, given that the security of the region is an integral part of the security of the Arab nation as a whole and is organically linked with the security and stability of all the Arab States.

The Ministers reaffirmed their solidarity with Bahrain and their full support for the measures it is taking to ensure its security and stability. They expressed firm rejection of any intervention in the internal affairs of Bahrain and affirmed that they would support it against any attempts at intimidation made by any party whatever.

Recalling that the Arab Summit Conference had urged Iran to respect the sovereignty of Bahrain within a framework of mutual respect and relations of good-neighbourliness, the Ministers expressed appreciation for the efforts made by Syria that had brought a halt to the media campaigns as a first step towards clearing the air with respect to Bahraini-Iranian relations and placing them on a basis of mutual understanding and good-neighbourliness so as to help strengthen the security and stability of Bahrain and the other States of the region.

The Ministers reviewed with great concern the issue of the Iranian occupation of the Greater Tunb, the Lesser Tunb and Abu Musa, three islands belonging to the United Arab Emirates, and the efforts that country is making to restore its sovereignty over the islands by peaceful means in accordance with established international practice relating to the peaceful settlement of disputes among States on the basis of the principles and norms of international law, including referral to the International Court of Justice. The Ministers recalled the honest and sincere initiatives taken and the repeated calls issued to the Islamic Republic of Iran by the United Arab Emirates, the members of the Gulf Cooperation Council, the Damascus Declaration States, the Council of the League of Arab States and, most recently, the Arab Summit Conference.

The Ministers reaffirmed the sovereignty of the United Arab Emirates over the islands and expressed unconditional support for all the peaceful measures taken with a view to restoring that sovereignty.

The Ministers reiterated their call to the Iranian Government to end its occupation of the islands, to desist from pursuing a policy of imposing <u>faits accomplis</u> by force, to halt the adoption of unilateral measures, to remove the

effects of any unilateral measures taken or any installations built, to adopt peaceful means of resolving the ongoing dispute in accordance with the principles and norms of international law, and to agree to the referral of the issue to the International Court of Justice.

The Ministers affirmed that the security and stability of the United Arab Emirates and the preservation of its independence, sovereignty and territorial integrity are an integral part of the security of the Arab States of the Gulf and of the security of the Arab nation as a whole. They stressed that the Islamic Republic of Iran must adhere to the principles of good-neighbourliness, respect for the independence, sovereignty and territorial integrity of the States of the region and non-interference in the internal affairs of other States, must adopt peaceful means for the resolution of disputes between States in its relations with the States of the region and must meet the obligations that these principles entail.

The Ministers stated that their countries looked forward to positive change in Turkey's relations with Syria and expressed optimism that there were new signs in Turkish policy that heralded the establishment of relations of cooperation and good-neighbourliness between the two countries and the strengthening of joint Arab-Turkish interests. They expressed the hope that the Turkish Government would reconsider the Turkish-Israeli military agreement so as to avoid prejudice to the security of the Arab States.

The Ministers discussed violence and international terrorism and affirmed their condemnation of the terrorist bombing that took place at Khobar in Saudi Arabia on 25 June 1996. At the same time, they affirmed their full support and backing for Saudi Arabia in combating terrorism and expressed confidence in its ability to cope with such terrorist acts.

While the Ministers condemn attempts to stigmatize legitimate national resistance as terrorism, they condemn those acts of terrorism, sabotage and disruption in all their forms to which a number of States, including Arab States, are being subjected with the aim of undermining their security and stability. They express their support for these States and for the efforts being made and the steps being taken to convene an international conference to address the various aspects of the phenomenon of international terrorism. At the same time, they uphold the inalienable right to resist occupation and aggression. They call for the coordination of international efforts to bring a halt to acts of violence and terrorism, to ensure that those who perpetrate such acts are brought to justice and to prevent terrorist elements from using the territory of any State in order to obtain funding or arms supplies and from using foreign information media for purposes of incitement to acts of violence or terrorism.

The Ministers welcomed the Agreement on Principles reached by the Governments of Yemen and Eritrea concerning the submission of their dispute to international arbitration, affirming the need to promote neighbourly relations and the common interests of the two countries. That would have positive repercussions on the security and stability of the region.

The Ministers expressed their concern at the continuing deterioration of the situation in Somalia and called on the leaders of the warring factions to meet their responsibility to achieve overall national reconciliation and form a single national authority in which all groups of the Somali people are represented.

The Ministers further urged all the Afghan factions to abide by the cease-fire and to comply with the Mecca accord for the achievement of peace and reconciliation in Afghanistan.

The Ministers affirmed their support for the League of Arab States, for the enhancement of its standing and for the assignment to it of a more active role. There is a need for compliance with the Pact of the League and with the resolutions adopted by it in order to safeguard the higher interests of the Arab nation.

The Ministers expressed their gratitude and appreciation to the Sultanate of Oman, to the Omani Government under the leadership of His Majesty Sultan Qaboos Bin Said and to the Omani people for the hospitality with which they had been received, and they wished the country further progress and prosperity.

The Ministers look forward to holding their next meeting in Egypt in January 1997.